

Notice of Allowability

Application No.

10/658,423

Examiner

Fenn C. Mathew

Applicant(s)

HUANG ET AL.

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3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/01/2005.
2. ☒ The allowed claim(s) is/are 1-3.
3. ☒ The drawings filed on 10 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 08/01/05.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Bruce Troxell on August 1, 2005.

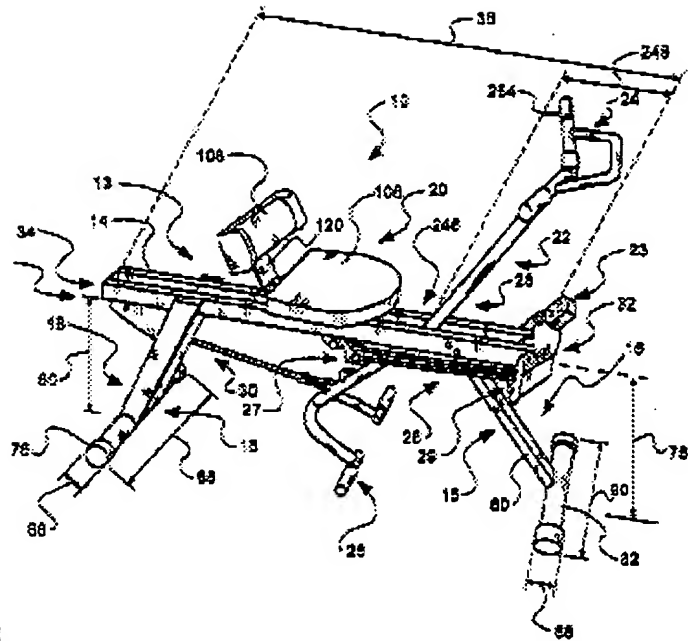
Please amend the application as follows:

- In claim 1, line 17, after the phrase "...top lugs symmetrically provided at a...", please delete the word 'bottom', and substitute the word —top— therefore.

The following amendment was made in order to correct a minor informality in the claims.

Allowable Subject Matter

2. Claims 1-3 are allowed. The following is an examiner's statement of reasons for allowance: Prior art rowing machines are well known. Galbraith et al. (U.S. 6,817,968)

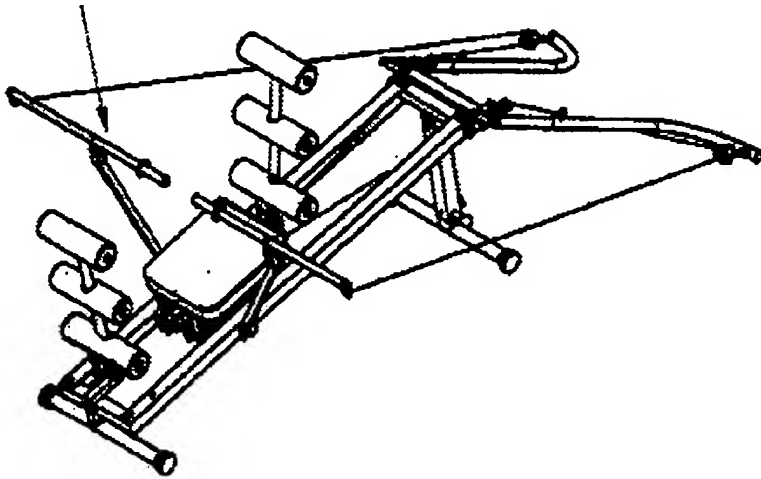


teach one such machine as pictured

including a base frame, two parallel rails, a foot rack, a rear support, a tubular rocker arm, a handlebar, a slide, bottom lugs on the slide, a plurality of elastic cord members connected between the bottom lugs of the base frame and the bottom lugs of the slide, and a seat with a back. Galbraith fails to teach or make obvious a plurality of elastic cord members having a first end connected to connecting plates located on the tubular rocker arm and a second end connected to lugs located on the upper sleeve of the rear portion. Galbraith further fails to teach or make obvious locating grooves spaced near the front end and a removable foot rack having coupling rods adapted to be selectively pivotally coupled to the locating grooves of the rails.

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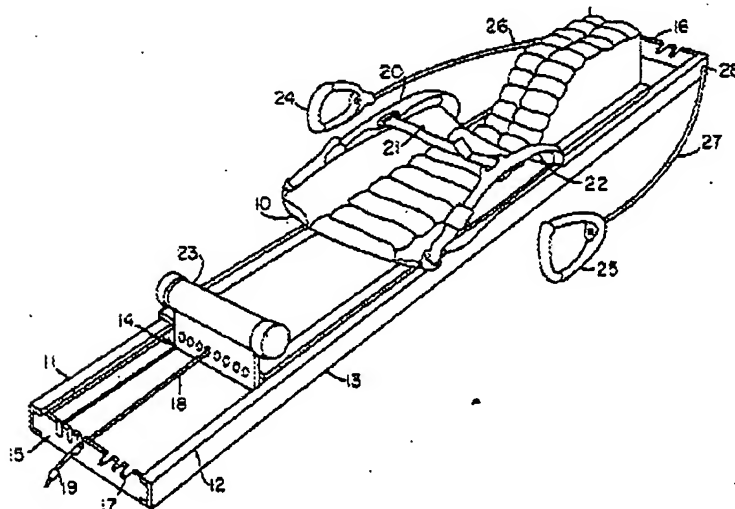
3. Jacobsen (U.S. 6,634,996) as pictured



teaches a rowing device

including a base frame, two parallel rails, a foot rack, a rear support, a tubular rocker arm, a handlebar, a slide and a seat with a back. Jacobsen fails to teach lugs as substantially claimed in the current invention wherein the lugs receive ends of elastic cords in order to impart resistance to movement.

4. Graham (U.S. 5,042,797) as pictured



teaches a device including

parallel rails, a slide, a seat, handles, and elastic cords. Graham fails to teach lugs, a

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rocker arm, and a base frame having two vertical front bars, and one height adjustable rear bar.

5. Rasmussen (U.S. 5,549,529), Westfall et al. (U.S. 5,967,955), and Bolf (U.S. 5,913,792) (not pictured) also disclose examples of the status of the prior art of record.

6. The prior art fails to teach a rowing device (pictured) as defined in the claims

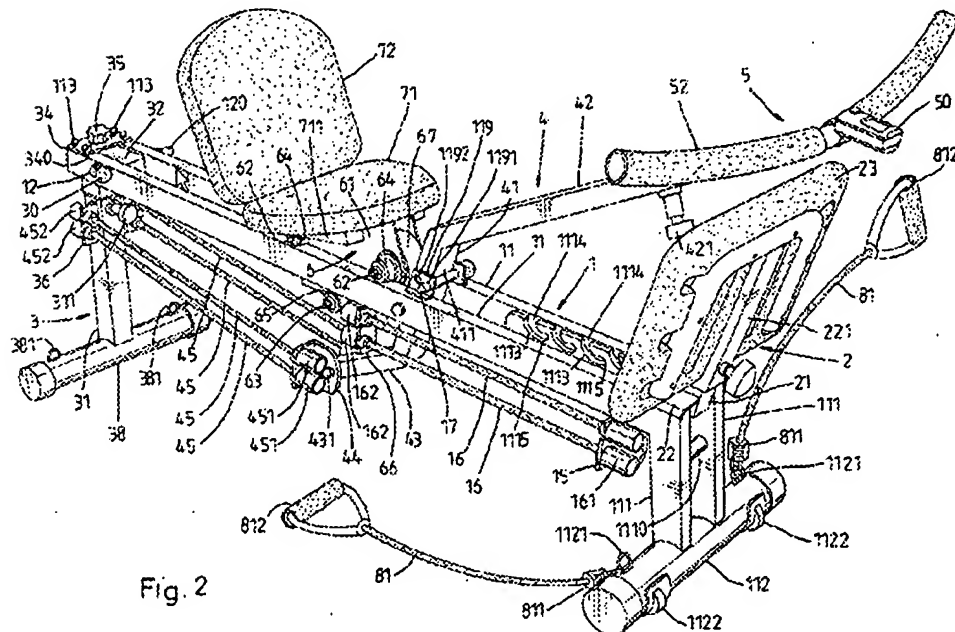


Fig. 2

including

parallel rails, having a plurality of locating grooves spaced near the front end, the locating grooves each having a top entrance and an inner stop portion, adapted to selectively and pivotally receive coupling rods extending from the lower block of a foot rack, the lower block being situated between the rails, a seat attached to a slide, a first set of lugs connected to a front end of the parallel rails, and a set of bottom lugs attached to a lower portion of a tubular rocker arm pivotally attached between the parallel rails, further having a plurality of elastic cords having one connected to the front

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lugs, with the second end connected to the lugs of the tubular rocker arm in order to impart resistance against pivotal movement, a pair of connecting plates attached to the slide below the parallel rails, and a pair of lugs located at the rear of the parallel rails, further having a plurality of elastic cords having one connected to the rear lugs, with the second end connected to the connecting plates, and elastic cord members attached to eyelets located on the horizontal front foot bar, connected to the bottom of the front vertical members.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fenn C. Mathew whose telephone number is (571) 272-4978. The examiner can normally be reached on Monday - Friday 9:00am - 5:30pm.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

scm

fcm

August 2, 2005

Stephen R. Crow
STEPHEN R. CROW
PRIMARY EXAMINER
ART UNIT 332